

*Enforcing Road Transport
Social Legislation
a preventive approach for Road Safety*

Thematic Report 7



Thematic Report 7: Social Rules

Part 1: Data and Main Risks – fatigue and Workplace Health Promotion

Part 2: EU Legislation Overview

Part 3: Social Rules

Enforcement, Training of Control Officers, Level of Fines, Combating Fraud, Info to Drivers, journey planning and infrastructure

Part 4 Employers – Safety Culture and Compliance with Legislation – Good Practice

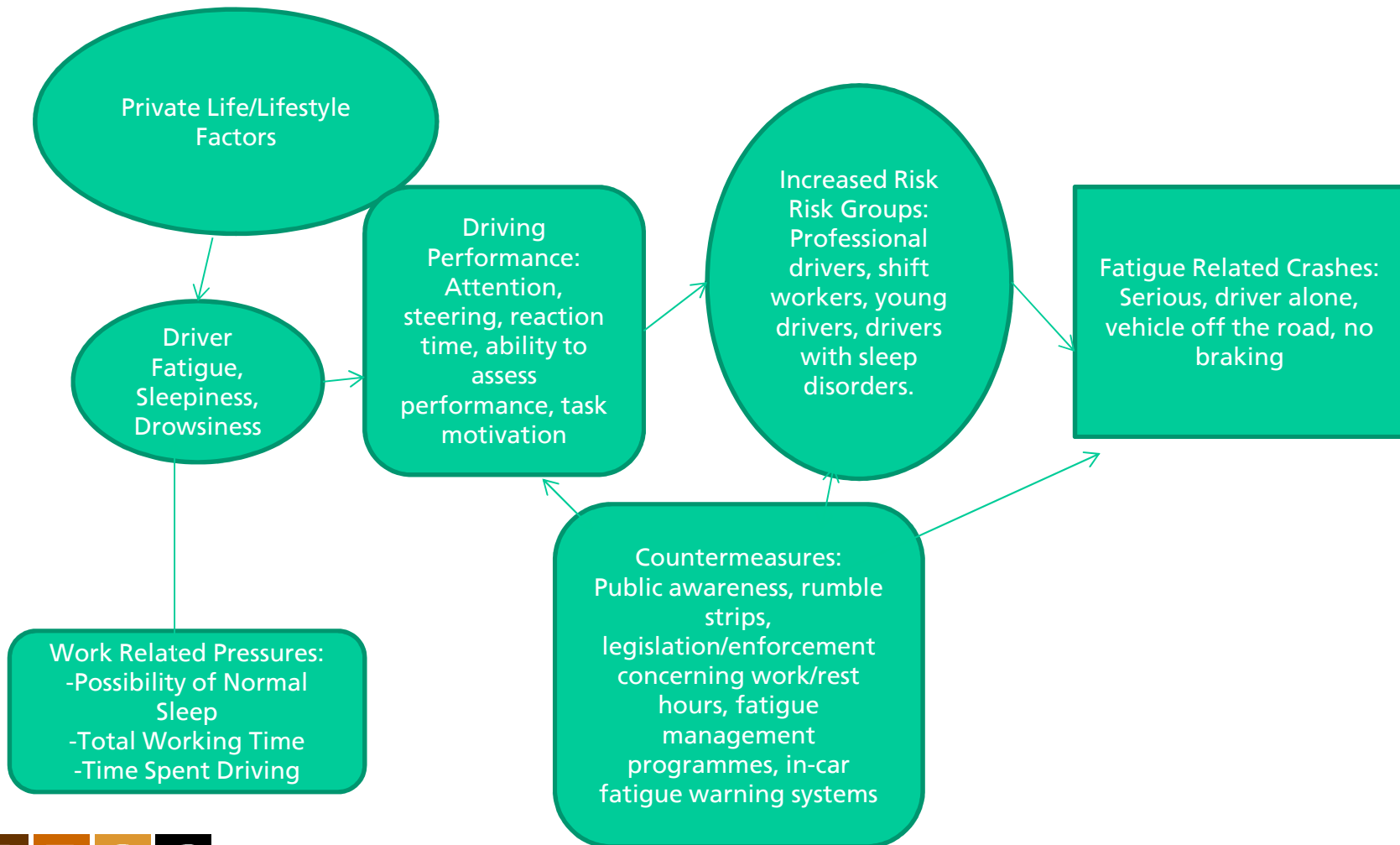


Part 1 Trends in Truck Collisions

- Collisions involving HGVs tend to be more severe than other collisions because of the vehicles' size and mass.
- Over 4,800 (14.2%) killed in collisions involving HGVs in the EU 23 in 2008 (ERSO).
- Big differences between Member States: 3.5 in Slovenia to 36.3 in Slovakia.
- Motorways: 26%, rural 56%, urban: 13% on urban roads



Sources of Fatigue and Impact on Driving – Safety Net



EU Legislation

- Driving Hours Legislation
- Working Time Legislation
- Tachograph Legislation
- Legislation governing Enforcement



Enforcement

- ‘EU regulations on driving and rest time and on tachographs are, not yet, enforced in a harmonised way across Europe.
- Some countries declare that they carry out regular targeted checks....
- In other countries, checks are organised solely on an ad hoc basis in reaction to complaints, requests from drivers or transport undertakings or evidence of irregularities received from other enforcement activities.’

EC Report on Implementation of
Social Legislation, 2011



Liability Art 10 (4)

- *“Consignors, freight forwarders, tour operators, principal contractors, sub-contractors and driver employment agencies must ensure that contractually agreed transport time schedules comply with the provisions on drivers’ hours (rest and driving time).”*
- Denmark, Estonia, Finland, Poland and Sweden have specific legislation
- Different approaches in MSs on how to enforce this.



Smart Enforcement?

- *Electronic detection of non-compliance;*
- *Use of information technology to gather and apply information on behaviour, focus on high-risk drivers and operators;*
- *Use of accreditation and safety ratings schemes*
- *Imposition of legal requirements on off-road parties with control over truck operations.*



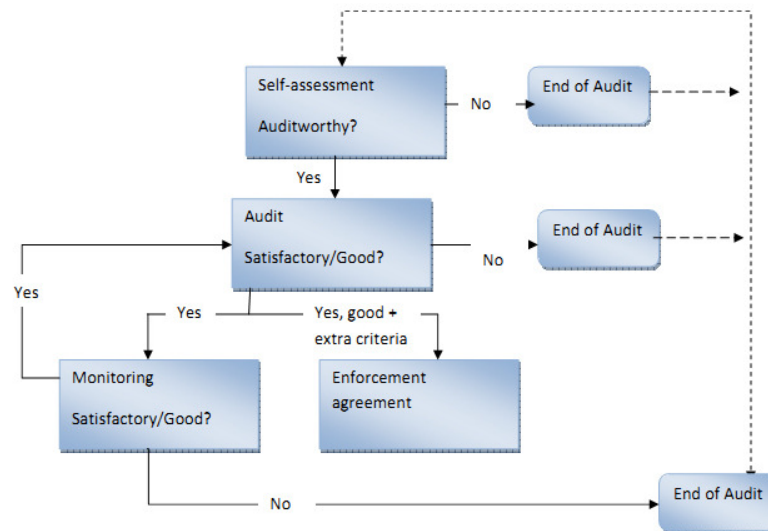
Moving Freight with Better Trucks
Summary Document
OECD/ITF 2011

- Approaches of Netherlands, UK, Ireland and Germany

Example of the NL

Inspection supervision > based on mutual trust.

- Selecting companies
- Self assessment
- Audit
- Decision



Inspection supervision.

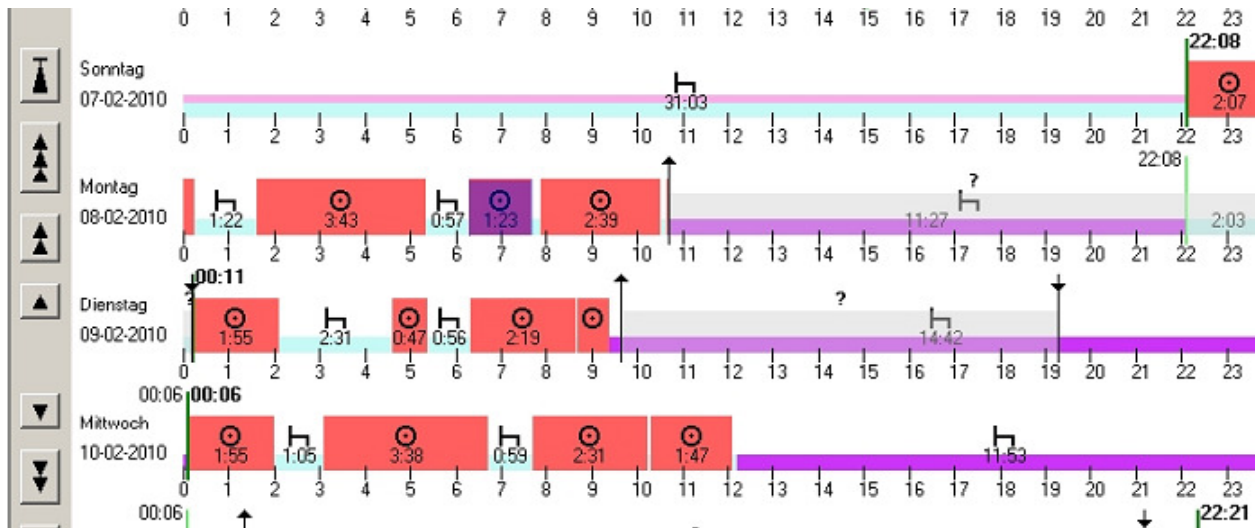
WHY:

- Mutual trust (company and inspectorate)
- Information quality (inspectorate)
- Agreement (company and inspectorate)
- Being “In Control” (company)
- Image (company)

AIM:

- Compliance
- Safety
- Responsibility with the transport companies

Daily practice of working days.



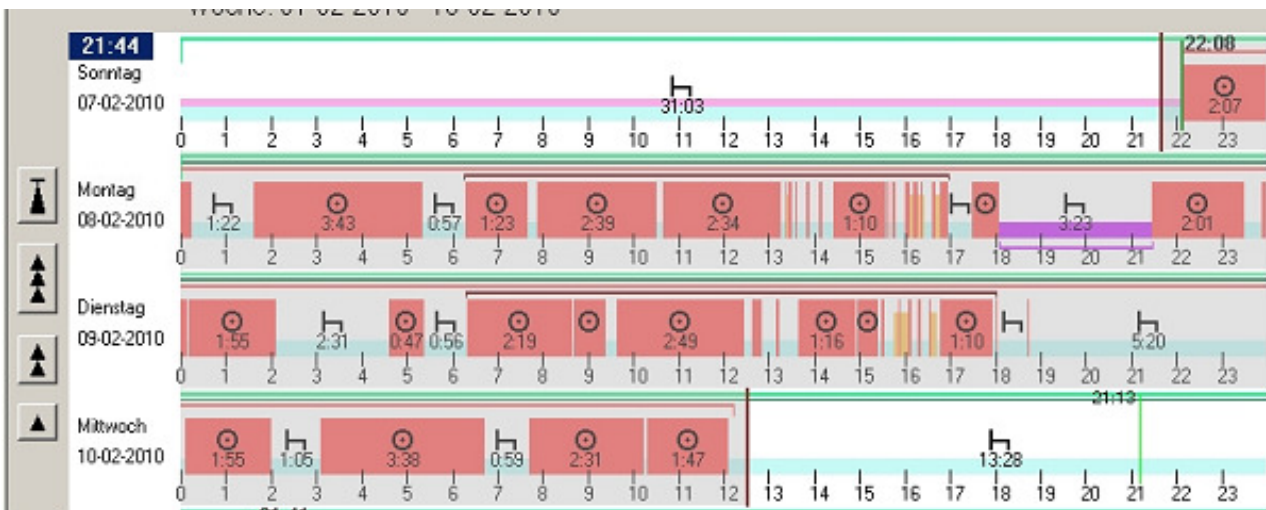
Period of 62 hr.

Driving time: 40 hrs

“Rest”:

1 x 3.23 hr

1 x 5.20 hr



Case 2: cause of fatigue ?

Naam: **[REDACTED]** Sa
 Maand: juli jaa

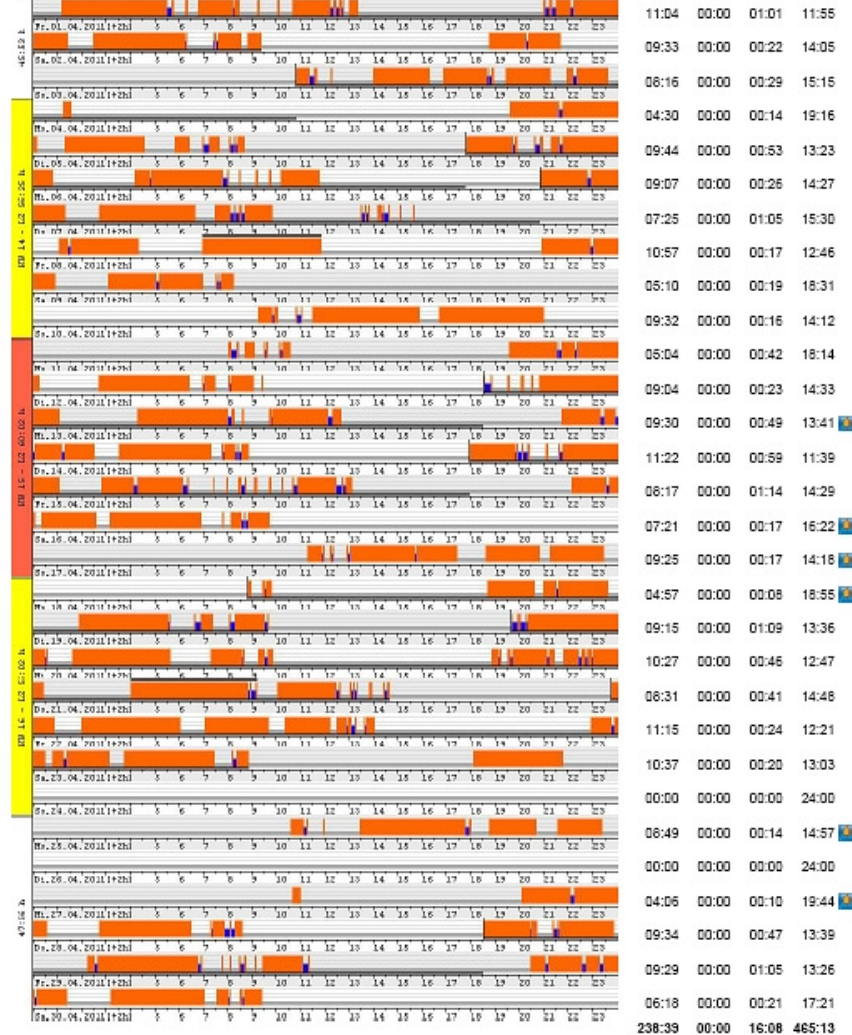
Dag	Uren		Bus
	A	B	
za 1/7	14		
zo	8		
ma	8		
di	8		
wo	8		
do 6	8		
vr	8		
za	8		
zo	8		
ma	8		
di	8		
wo	8		
do 13	9,6		
vr	12,75	Z. Pendel	
za	11	Kroatie	
zo	17,25		
ma	12	Z. Pendel	
di	13,25	Hongarije	
wo	13,25		
20 do			
vr	14	Z. Pendel	
za	11,5	Frankrijk	
zo	14		
ma	12	Z. Pendel	
di	12,75	Spanje	
wo	14,5		
27 do			
vr	12,75	Z. Pendel	
za	13,75	Spanje	
zo	16,5		
ma 31/7	13	Z. Pendel	
Totaal	325,85	0	

Offences (1 month).

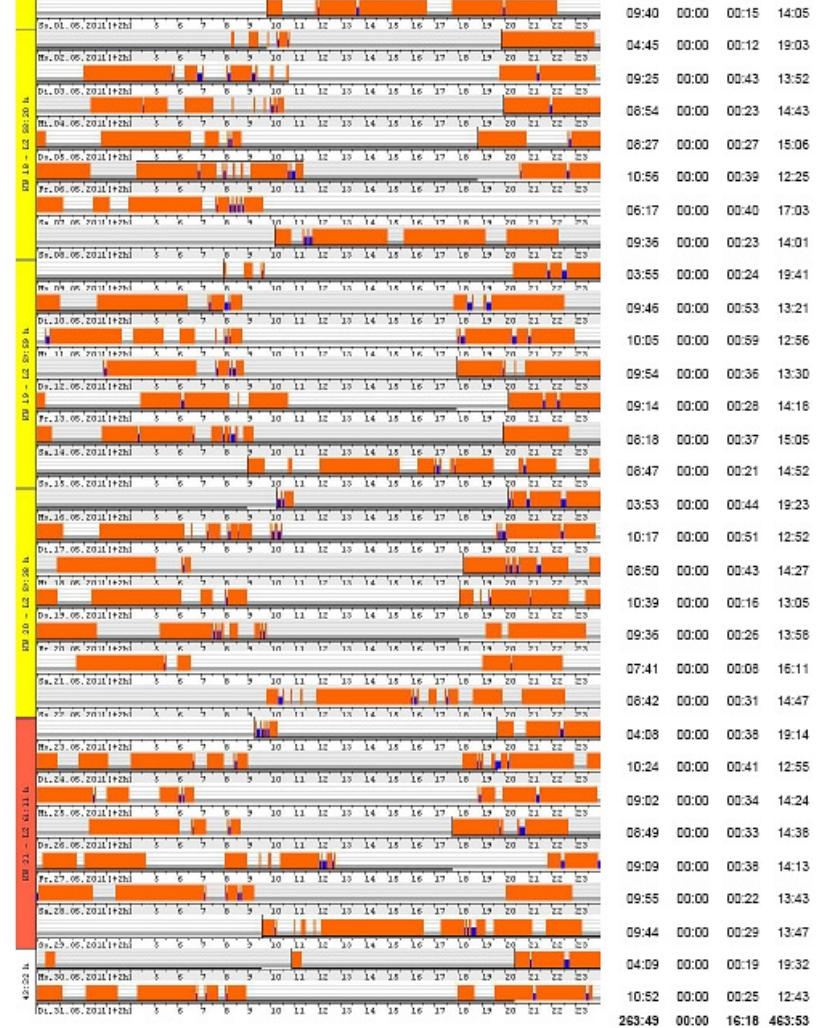
- 5 insufficient daily rests (1 x 0, 1 x 1, 1 x 5 and 2 x 6)
- 2 false letters of attestation
- 2 falsifying charts
- 1 fail to produce charts

Case 3.

Anzeigzeitraum (Monat) vom 01.04.2011 bis 30.04.2011



Anzeigzeitraum (Monat) vom 01.05.2011 bis 31.05.2011

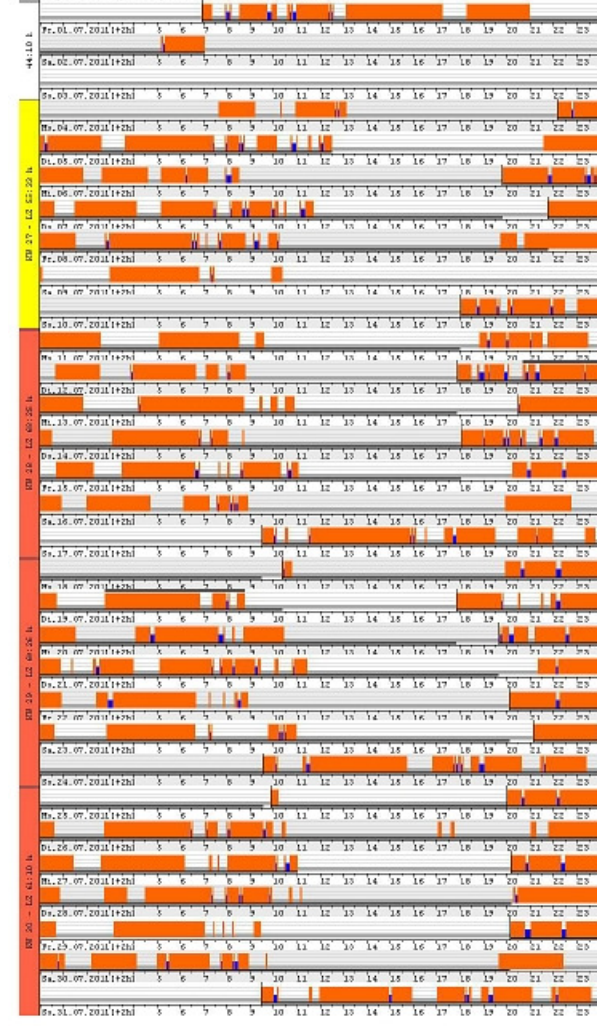


Case 3.

Anzeigzeitraum (Monat) vom 01.05.2011 bis 30.06.2011



Anzeigzeitraum (Monat) vom 01.07.2011 bis 31.07.2011

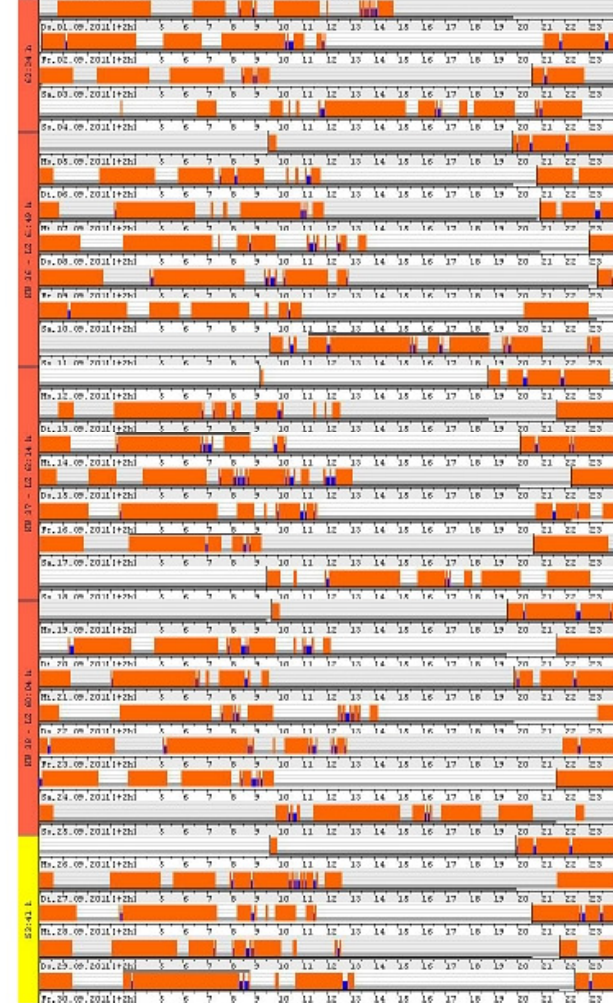


Anzeigzeitraum (Monat) vom 01.09.2011 bis 31.08.2011



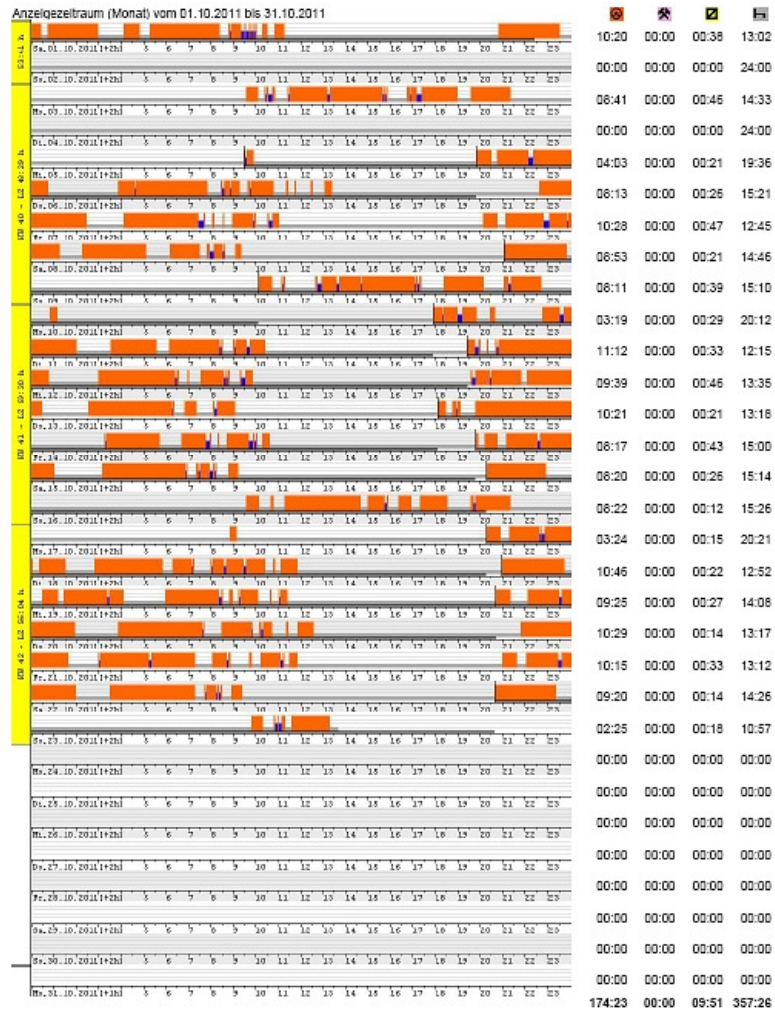
Icon 1	Icon 2	Icon 3	Icon 4
04:20	00:00	00:13	19:27
10:15	00:00	00:20	13:25
09:12	00:00	00:57	13:51
09:10	00:00	01:02	13:48
10:07	00:00	00:52	13:01
07:49	00:00	00:22	15:49
09:03	00:00	00:55	14:02
04:06	00:00	00:18	19:36
09:49	00:00	00:46	13:25
10:55	00:00	00:41	12:24
07:17	00:00	00:26	16:17
06:51	00:00	00:15	16:54
00:00	00:00	00:00	24:00
00:00	00:00	00:00	24:00
04:31	00:00	00:35	18:54
09:52	00:00	01:16	12:52
11:05	00:00	00:54	12:01
06:57	00:00	00:14	14:49
09:54	00:00	00:20	13:46
07:52	00:00	00:22	15:46
06:57	00:00	00:45	14:18
04:15	00:00	00:31	19:14
09:08	00:00	00:44	14:08
10:26	00:00	01:05	12:29
11:22	00:00	00:21	12:17
11:04	00:00	00:47	12:09
08:00	00:00	00:14	15:46
08:54	00:00	00:26	14:40
04:03	00:00	00:32	19:25
09:45	00:00	00:34	13:41
10:16	00:00	00:59	12:45
247:15	00:00	17:46	478:59

Anzeigzeitraum (Monat) vom 01.09.2011 bis 30.09.2011



Icon 1	Icon 2	Icon 3	Icon 4
06:37	00:00	00:46	14:37
11:35	00:00	00:44	11:41
06:45	00:00	00:23	14:52
09:33	00:00	00:31	13:56
04:16	00:00	00:16	19:28
09:34	00:00	00:22	14:04
09:59	00:00	00:30	13:31
06:48	00:00	00:35	14:37
09:30	00:00	00:42	13:48
10:52	00:00	00:14	12:54
06:50	00:00	00:55	14:15
04:27	00:00	00:21	19:12
06:56	00:00	00:21	14:43
09:59	00:00	00:53	13:06
09:45	00:00	01:17	12:58
10:43	00:00	00:44	12:33
09:35	00:00	00:26	13:59
06:49	00:00	00:17	14:54
04:20	00:00	00:26	19:14
09:46	00:00	00:53	13:21
09:51	00:00	00:35	13:34
07:40	00:00	00:42	15:38
09:59	00:00	01:11	12:50
09:28	00:00	00:32	14:00
09:00	00:00	00:30	14:30
04:03	00:00	00:19	19:38
10:16	00:00	00:54	12:50
10:29	00:00	00:42	12:49
08:27	00:00	00:28	15:06
10:06	00:00	00:47	13:07
265:58	00:00	18:16	435:46

Case 3.



Working day analysis.

- period 1 April 2011 – 22 October 2011:

total of 262 offences.

- 115 x insufficient daily and weekly rests
- in total period 7 days without registrations of work.

Case 4.

28.02.2012		
175 042 -		175 476 km
174 728 km		
00:00	01:35	01h35
01:35	08:06	06h31
08:06	08:53	00h47
08:53	09:32	00h39
09:32	09:52	00h20
09:52	13:58	04h06
13:58	14:39	00h41
14:39	15:14	00h35
15:14	15:24	00h10
15:24	16:23	00h59
16:23	16:59	00h36
16:59	17:12	00h13
17:12	17:58	00h46
17:58	18:10	00h12
18:10	18:21	00h11
18:21	18:26	00h05
18:26	18:27	00h01
18:27	18:34	00h07
18:34	18:39	00h05
18:39	19:02	00h23
19:02	19:24	00h22
19:24	19:26	00h02
19:26	19:27	00h01
19:27	20:51	01h24
20:51	23:26	02h35
23:26	00:00	00h34
176 342 km;		1 614 km

29.02.2012		
175 476 -		176 532 km
174 728 km		
00:00	04:31	04h31
04:31	08:14	03h43
08:14	08:25	00h11
08:25	08:39	00h14
08:39	08:41	00h02
08:41	08:42	00h01
08:42	10:21	01h39
10:21	10:29	00h08
10:29	10:30	00h01
10:30	11:00	00h30
11:00	16:20	05h20
16:20	17:30	01h10
17:30	17:34	00h04
17:34	18:01	00h27
18:01	18:02	00h01
18:02	18:11	00h09
18:11	18:12	00h01
18:12	18:18	00h06
18:18	18:19	00h01
18:19	18:35	00h16
18:35	18:37	00h02
18:37	18:39	00h02
18:39	18:49	00h10
18:49	18:50	00h01
18:50	19:13	00h23
19:13	19:18	00h05
19:18	19:20	00h02
19:20	19:26	00h06
19:26	19:28	00h02
19:28	19:36	00h08
19:36	20:33	00h57
20:33	21:02	00h29
21:02	21:13	00h11
176 342 km;		1 614 km

00TR /64057796237010 0 0
 01.04.2016
 A+TR /33 BHS 25
 22.02.2012 19:37

 176 342 km
 h 21:13 21:27 00h14
 e 21:27 23:01 01h34
 h 23:01 23:04 00h03
 e 23:04 00:00 00h56
 km; km

Start at 28/2 at 08.06 hr after insufficient rest of 06.31 hr.
First “rest” 28/2 at 23.26 hr – 29/2 04.31 hr = 04.57 hr.

Case 4

01.03.2012
176 532 - 177 722 km

	176	342	km
00:00	00:06	00h06	
00:06	00:42	00h36	
00:42	02:50	02h08	
02:50	02:59	00h09	
02:59	03:04	00h05	
03:04	03:06	00h02	
03:06	03:10	00h04	
03:10	03:12	00h02	
03:12	03:14	00h02	
03:14	03:16	00h02	
03:16	03:19	00h03	
03:19	03:25	00h06	
03:25	03:26	00h01	
03:26	03:33	00h07	
03:33	03:34	00h01	
03:34	03:40	00h06	
03:40	03:43	00h03	
03:43	06:28	02h45	*
06:28	12:18	05h50	
12:18	12:56	00h38	
12:56	12:57	00h01	
12:57	12:59	00h02	
12:59	13:00	00h01	
13:00	13:04	00h04	
13:04	13:15	00h11	
13:15	13:19	00h04	
13:19	13:20	00h01	
13:20	13:27	00h07	
13:27	13:38	00h11	
13:38	15:07	01h29	*
15:07	18:08	03h01	
18:08	18:12	00h04	
18:12	19:24	01h12	
19:24	19:28	00h04	
19:28	19:42	00h14	
19:42	20:47	01h05	*
20:47	20:49	00h02	
20:49	20:51	00h02	
20:51	21:41	00h50	
21:41	21:49	00h08	
21:49	21:51	00h02	
21:51	22:09	00h18	
22:09	22:25	00h16	
22:25	22:31	00h06	
22:31	00:00	01h29	

02.03.2012
177 722 - 178 832 km

	176	342	km
00:00	00:19	00h19	
00:19	02:25	02h06	*
02:25	04:07	01h42	
04:07	04:40	00h33	
04:40	05:55	01h15	
05:55	08:42	02h47	*
08:42	12:53	04h11	
12:53	12:59	00h06	
12:59	13:01	00h02	
13:01	13:49	00h48	
13:49	20:21	06h32	
20:21	20:23	00h02	
20:23	20:27	00h04	
20:27	20:32	00h05	
20:32	20:37	00h05	
20:37	20:45	00h08	
20:45	20:48	00h03	
20:48	20:52	00h04	
20:52	20:53	00h01	
20:53	21:03	00h10	
21:03	21:04	00h01	
21:04	00:00	02h56	*

03.03.2012
178 832 - km

	176	342	km
00:00	02:53	02h53	*
02:53	03:11	00h18	*
03:11	05:43	02h32	*
05:43	05:59	00h16	
05:59	08:57	02h58	*
08:57	09:10	00h13	
09:10	09:13	00h03	
09:13	09:17	00h04	
09:17	09:23	00h06	
09:23	09:34	00h11	
09:34	09:51	00h17	
09:51	10:47	00h56	
10:47	10:49	00h02	
10:49	10:51	00h02	
10:51	11:09	00h18	
11:09	11:12	00h03	
11:12	11:24	00h12	
11:24	11:40	00h16	
11:40	11:42	00h02	
11:42	11:46	00h04	
11:46	11:58	00h12	
11:58	12:01	00h03	
12:01	13:25	01h24	*
13:25	13:26	00h01	
13:26	13:29	00h03	
13:29	14:49	01h20	

**1 "rest" period of 5.49 hr.
(starting on 02/3 21.04 hr till 03/3 02.53 hr.)**

Case 4 – analysis.

- Analysis of working period of 4,5 days.
(28 February 00.00 hr – 3 March 14.49 hr.: time of control)
- Total driving time: 56.46 hr.
- 2 insufficient resting periods (04.57 hr and 05.49 hr).
- In practice: total period 110 hrs > 2 sleeping periods of max 4 and 5 hr.
- First 2 days: driving without using a driver card. On 29/2 first use at 21.13 hr.
- WHY: to simulate/create weekly rest on his driver card.

Non Compliance and Fraud



Fraud:

- *'the deliberate and deceptive action to interfere with the authentic recording process of the tachograph to facilitate the production of falsified records, including;*
- *the preliminary acts and attempts with the same intention and*
- *the possession of objects or instruments specifically meant, intended or used for that purpose.'*

TWG (Euro Control Route/Tispol).

Training of Control Officers

- Member States shall ensure that control officers are appropriately trained for the analysis of the data recorded and the control of the recording equipment.
- Member States shall inform the Commission about the training requirements for their control officers.
- The Commission shall adopt decisions on the methodology for the initial and continuing training of control officers, including on techniques to target controls and to detect manipulation devices and fraud.

EC Proposal July 2011



Levels of Fines

- penalties shall be effective, proportionate, dissuasive and non-discriminatory. (2006/561)
- ‘The rules on penalties applicable to serious infringements of the social legislation vary appreciably between Member States as regards the types of penalties, the level of fines and the categorisation of infringements’. (EC Report 2009)
- intention to ensure a minimum degree of harmonisation of sanctions in relation to the tachograph rules (EC Proposal July 2011)



Training and Information to Drivers

- Changing drivers' attitude and behaviour is the key to reducing their likelihood to drive while fatigued
- primary prevention efforts, such as improving understanding of drivers about the importance of getting sufficient sleep prior to driving, the proactive use of naps to reduce hours of wakefulness prior to commencing a drive, and avoiding circadian performance troughs when planning journeys.
- (PACTS)

CPC plus specific campaigns and further training at national and employer level

Journey, Route Planning & Parking

ISPark - Parking Areas Search

User Actions

Search - Parking areas

Country:

City, address, road:

- [Advanced search](#)
- [Route Planner](#)
- [Radius Search](#)

More services

- [Border Waiting Time Observatory](#)
- [Fuel Prices](#)
- [Flash Info](#)
- [IRU Information Centre](#)
- [Road Transport Legal Conditions](#)
- [Security Guidelines](#)
- [Currency Converter](#)
- [Weather Conditions](#)

External services

- [Low Emission Zones](#)

Parking Areas Search

4 parking areas found
4 parking areas displayed on the map

Displaying 1 to 4 of 4

Country	Name	Assessment										
Italy	Parck - TIR Interporto "Quadrante Europa"	No self assessment	√	√	√	√	√					

Possibility for trucks with dangerous goods [details](#)

Fatigue Risk Management Systems

- A company fatigue management policy
- Fatigue risk management procedures
- A process for employees to report fatigue to management
- A process for investigating the potential role fatigue plays in incidents
- Fatigue management training and education for employees and management and
- A process for the internal and external gap analysis of the FRMS.

DfT 2011

Checklist

- ✓ Driver Hours
- ✓ Code of Practice
- ✓ Safety Management Systems
- ✓ Education
- ✓ Regulation and Licensing
- ✓ Wages
- ✓ Laws

Neville and Quinlan (2004)



Find out more...

- **Safety Monitor**
- **Drink Driving Monitor**
- **Speed Monitor**
- **Reviews & Policy Papers**
- **Fact Sheets**



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